

1 ADAM PAUL LAXALT  
Attorney General  
2 JOSHUA M. HALEN, Bar No. 13885  
Deputy Attorney General  
3 State of Nevada  
Bureau of Litigation  
4 Public Safety Division  
100 N. Carson Street  
5 Carson City, Nevada 89701-4717  
Tel: (775) 684-1209  
6 E-mail: jhalen@ag.nv.gov

7 *Attorneys for Defendants David Carpenter,*  
*Pamela Feil, Robert Legrand, Jason O'Dea,*  
8 *Bobby Preston*

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
<b>MAY - 4 2018</b>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

9  
10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 RICHARD WEDDLE,  
13 Plaintiff,

14 vs.

15 ISIDRO BACA, et al.,  
16 Defendants.

Case No. 3:16-cv-00634-MMD-VPC

*ORDER*

**DEFENDANTS' MOTION FOR  
ENLARGEMENT OF TIME TO FILE A  
RESPONSIVE PLEADING**

17 Defendants Isidro Baca, David Carpenter, Jason O'Dea, Pamela Feil, Robert LeGrand, Bobby  
18 Preston, and Brian Williams, by and through counsel, Adam Paul Laxalt, Attorney General of the State  
19 of Nevada, and Joshua M. Halen, Deputy Attorney General, hereby move for an enlargement of time to  
20 file a responsive pleading. This Motion is based on the following Memorandum of Points and Authorities  
21 and all papers and pleadings on file in this case.

22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23 **I. LAW AND ARGUMENT**

24 This is an inmate civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff Richard W.  
25 Weddle (Plaintiff) is an inmate in the custody of the Nevada Department of Corrections (NDOC),  
26 housed at High Desert State Prison. The Court screened Plaintiff's Amended Complaint and allowed  
27 First and Fourteenth Amendment claims to proceed pursuant to § 1983. (ECF No. 11.) The Court has  
28 also allowed Plaintiff to proceed with a state law tort claim of negligence. (*Id.*)

1 On February 20, 2018, the Court entered its Order regarding Plaintiff's in forma pauperis status  
2 and setting service deadlines. (ECF No. 21.) The Court ordered that if the Attorney General's Office  
3 accepted service for any Defendants, a responsive pleading would be due within sixty-days of the  
4 Court's Order. *Id.* Accordingly, a responsive pleading is due by Defendants by April 23, 2018.<sup>1</sup>

5 Counsel for Defendants has been preparing a responsive pleading in the form of a motion for  
6 summary judgment and is in the process completing the motion. Counsel needs a short extension of time  
7 to finalize the motion and the requisite declarations and exhibits.

8 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

9 When an act may or must be done within a specified time, the court may,  
10 for good cause, extend the time: (A) with or without motion or notice if  
11 the court acts, or if a request is made, before the original time or its  
extension expires; or (B) on motion made after the time has expired if the  
party failed to act because of excusable neglect.

12 The proper procedure, when additional time for any purpose is needed, is to present a request for  
13 extension of time before the time fixed has expired. *Canup v. Miss. Val. Barge Line Co.*, 31 F.R.D. 282  
14 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted on a showing of  
15 good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8 F.R.D. 268 (N.D.  
16 Ohio 1947).

17 Defendants seek an enlargement of time to file a responsive pleading. Good cause exists to extend  
18 the time to file this motion. The extension of time is needed to finalize the motion for summary judgment  
19 and the attached exhibits and declarations. Plaintiff will not be prejudiced by a small enlargement of time.  
20 This request is made in good faith and is not for the purposes of delay. Defendants request an extension of  
21 one day to file a responsive pleading in the form of the motion for summary judgment.

22 ///

23 ///

24 //

25 ///

26 ///

27 \_\_\_\_\_  
28 <sup>1</sup> Sixty-days after February 20, 2018, was April 21, 2018, a Saturday. Pursuant to Federal Rule of Civil  
Procedure 6(a)(1)(C), the responsive pleading due date is Monday, April 23, 2018.

1       **II. CONCLUSION**

2           Based on the foregoing, Defendants respectfully request their motion for enlargement of time be  
3 granted and the deadline for filing a responsive pleading be extended one (1) day up to and including April  
4 24, 2018.

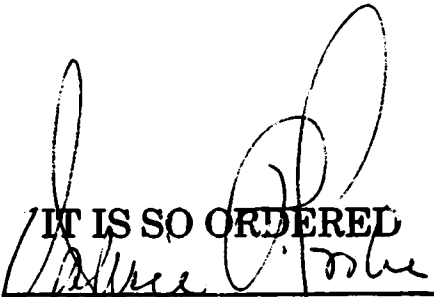
5           DATED this 23<sup>rd</sup> day of April, 2018.

6                               ADAM PAUL LAXALT  
7                               Attorney General

8           By: 

9                               JOSHUA M. HALEN  
10                              Deputy Attorney General  
11                              State of Nevada  
12                              Bureau of Litigation  
13                              Public Safety Division

14                              Attorneys for Defendants

15  
16                                
17                              IT IS SO ORDERED


18                              U.S. MAGISTRATE JUDGE

19                              DATED:   
20                              May 4, 2018

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 23<sup>rd</sup> day of April, 2018, I caused to be deposited for mailing a true and correct copy of the foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO FILE A RESPONSIVE PLEADING**, to the following:

Richard Weddle, #74880  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070

  
An employee of the  
Office of the Attorney General